IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 98 of 2000 (S/S)

Firtu Yadav S/o Sri Shiv Baran Yadav,
R/o House No. E.W.S. 536, Holi Chowk,
Awas Vikas, Rudrapur,
Udham Singh Nagar. …….. Petitioner

Versus

1. State of Uttaranchal through Secretary,
   PWD Department, Dehradun.
2. Executive Engineer, Prov. Divn.,
   Lok Nirman Vibhag, Rudrapur,
   Udham Singh Nagar.
3. Superintending Engineer,
   53 Circle, PWD Haldwani,
   Nainital.
4. Assistant Engineer, IIIrd Prov. Divn.,
   Lok Nirman Vibhag, Rudrapur,
   Udham Singh Nagar. …… Respondents

None for the petitioner.
Mr. Subhash Upadhyaya, Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Petitioner's counsel absent.

Mr. Subhash Upadhyaya, Standing Counsel for the respondents.

2. Mr. Subhash Upadhyaya, the learned Standing Counsel for the respondents submits that the writ petition filed by petitioner Firtu Yadav seeking regularization of his services has, now, become infructuous, as the petitioner, after filing of the writ petition, was terminated from service vide order dated 17.04.2002.

3. The petitioner has filed this writ petition for the following reliefs:

"1. Issue a writ order or direction in the nature of the Mandamus commanding / directing the Respt. 3 to regularise the services of the petitioner as per rule of Annexure-3, which is G.O. in respect of regularisation on the post of Amin in the PWD which is sanctioned post, still vacant since 1972 as mentioned in Annexure-4 to W.P.

2. Issue a Writ order or direction in the nature of mandamus directing the Resp-3 regularising the services of the petitioner, promote the petitioner on the post of Supervisor Kanoongo/NT which is till standing vacant in the said circle.

3. Issue a writ order or direction in the nature of mandamus directing the Resp-3 to officiate on the post of Supervisor Kanoongo/ Naiyab Tehsildar in Circle No. 53 and grant the promotional time scale to the petitioner.

4. Issue a writ order or direction as deem fit and proper in the circumstances of the case and direct to decide my representation dated which is pending before

5. Award the cost of the petition."

4. As the petitioner, now, is not in service, there is no question of regularisation of the service.

5. The writ petition, therefore, is dismissed as infructuous.

6. Consequently, the interim order dated 07.12.2000 stands vacated automatically.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C.J.)**
30.08.2006 30.08.2006

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